

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-23503-2023

Date of Decision: 16.10.2023

RAMESHWARA HOSPITALS PRIVATE LIMITED & ANR

... Petitioners

VERSUS

UNION TERRITORY OF CHANDIGARH AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Puneet Bali, Sr. Advocate with
Mr. Vipul Joshi and Ms. Bhagyashri Setia
Advocates for the petitioners.

Mr. Aman Bahri and Mr. Shobhit Phutela,
Advocates for respondents No.1 and 2.

Mr. Chetan Mittal, Sr. Advocate with
Mr. Himanshu Gupta, Advocate and
Mr. Ritvik Garg, Advocate for respondent No.5.

VINOD S. BHARDWAJ, J. (ORAL)

The prayer made in the present petition is against the order dated 21.09.2023 passed by the Consumer Grievances Redressal Forum, Chandigarh in complaint No.E-111 of 2023 dated 29.08.2023 titled as Atulya Health Care Pvt. Ltd. Vs. Department of Engineering, Chandigarh Administration and others.

Learned counsel for the petitioners contends that Consumer Grievances Redressal Forum has failed to take into consideration that an independent transformer was installed by the petitioners for their own benefit. While the respondents have been mandated to bring his own equipments, however, they have issued a direction for utilization of the independent transformer installed by the petitioners for their own benefit. He contends that such benefit could not have been extended and that the petitioners have already

preferred an appeal before the Electricity Ombudsman. The present writ petition had been filed since the post of Ombudsman was not occupied.

Counsel for the Caveator has, however, pointed that an Ombudsman has been appointed on 06.10.2023, who has already assumed the charge. Since the appeal is pending before the Electricity Ombudsman, it would be expedient that the said case be decided by the Electricity Ombudsman first, before this Court examines the issue on merits as it would amount to seizing the Appellate Authority of its power of examining the appeal.

Learned counsel for the petitioners contends that he has no objection to appear and pursue the remedy before the Electricity Ombudsman. He, however, contends that the Electricity Ombudsman may be issued time bound directions to decide the interim application.

The present petition is accordingly disposed without commenting on the merits of the case and with the consent of the parties that they shall appear before the Electricity Ombudsman in the pending Appeal No.202 of 2023, whereupon the Appellate Authority shall examine the prayer for interim relief and/or the appeal on its merits and pass an appropriate order after granting the opportunity of hearing to the respective parties. The parties shall be at liberty and open to raise all objections/pleadings as are available to them in accordance with law.

Disposed of accordingly.

OCTOBER 16, 2023

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**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No